

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DAMON NATHANIEL,

Plaintiff,

vs.

United States District Court
Case No. 2:09-cv-12473
Magistrate Judge:

CITY OF DETROIT, a municipal corporation,
DETROIT POLICE OFFICER BARBARA SIMON,
Officially and Individually,
DETROIT POLICE DETECTIVE IRA TODD,
Officially and Individually,
DETROIT POLICE LIEUTENANT HAROLD ROCHON,
Officially and Individually,

Wayne County Circuit Court
Case No. 09-009427 NZ
Judge Isidore Torres

Defendants.

DAVID A. ROBINSON (P38754)
THEOPHILUS E. CLEMONS (P47991)
Attorneys for Plaintiff
ROBINSON and ASSOCIATES, P.C.
28145 Greenfield Road, Suite 100
Southfield, MI 48076
(248) 423-7234

JANE KENT MILLS (P38251)
Attorney for Defendants
CITY OF DETROIT LAW
DEPARTMENT
660 Woodward Avenue - Suite 1650
Detroit, MI 48226
(313) 237-5060

**NOTICE OF REMOVAL
OF CIVIL ACTION**

The Defendant City of Detroit hereby removes this civil action to this Court pursuant to 28 U.S.C. Sec. 1441 and states that:

1. This action was commenced on April 21, 2009, in the Circuit Court for the Third Judicial Circuit of Michigan.
2. Defendant City of Detroit was served on June 7, 2009

3. The Defendant, City of Detroit, represented by the undersigned attorney removes this action.

4. The Plaintiff alleges in his Complaint that he is a resident of Wayne County, Michigan.

5. This is a civil action in which the Plaintiff seeks monetary relief for the alleged misconduct of the defendants which is alleged to have resulted in the deprivation of certain rights protected by provisions of the United States Constitution. The Defendant, City of Detroit, removes the action to this Court, invoking the Court's federal question jurisdiction, because the Plaintiff bases the action on the United States Constitution and on 42 U.S.C. Sec. 1983.

6. This Court has original jurisdiction of this civil action pursuant to 28 U.S.C. Sec. 1331, and the action is removable to this Court pursuant to 28 U.S.C. Sec. 1441(a) and (b).

7. Copies of all pleadings served upon the Defendant are attached. The defendant has received no orders in this action.

8. This Notice is filed within thirty days after first receipt by any defendant of a copy of the Complaint, which is the initial pleading setting forth the claim for relief upon which this action is based.

9. The undersigned has prepared a written notice of the removal of this action, addressed to counsel for the Plaintiff and to the clerk of the court from which this action is being removed. Promptly after filing this Notice of Removal of Civil Action, the undersigned will cause copies of that written notice to be filed with the clerk of the court from which this action is being removed and mailed by first class mail to counsel for the Plaintiff.

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WHEREFORE, the Defendant, City of Detroit, removes this action to this Court.

Respectfully submitted,

S/Jane Kent Mills

Jane Kent Mills (P38251)

Attorney for Defendant

City of Detroit Law Department

660 Woodward Avenue, Suite 1650

Detroit, MI 48226

(313) 237-5060

Millj@law.ci.detroit.mi.us

Dated: June 23, 2009

CERTIFICATE OF SERVICE

I hereby certify that on June 23, 2009, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

none

and hereby certify that I have mailed by United States Postal Service the paper to the following non ECF participant(s):

DAVID A. ROBINSON (P38754)

THEOPHILUS E. CLEMONS (P47991)

ROBINSON and ASSOCIATES, P.C.

Attorneys for Plaintiff

28145 Greenfield Road, Suite 100

Southfield, MI 48076

/s/ Jane Kent Mills_____

Jane Kent Mills (P-38251)

City of Detroit Law Department

Attorney for Defendants

660 Woodward, Suite 1650

Detroit, MI 48226

(313) 237-5060

MillJ@law.ci.detroit.mi.us

STATE OF MICHIGAN
THIRD CIRCUIT COURTSUMMONS AND
RETURN OF SERVICE

CASE NO. 09-509427-NZ

Date served 6/07/09
Date in LAWSys 6/9/09COURT
ADDRESS: 2 WOODWARD AVENUE, DETROIT, MICHIGAN 48226COURT
TELEPHONE NO. (313) 224-

THIS CASE ASSIGNED TO JUDGE: Isidore Torres

Bar Number: 28455

PLAINTIFF

DEFENDANT

NATHANIEL, DAMON

VS

ROCHON, HAROLD

PLAINTIFF'S ATTORNEY

Robinson, David A.
(P-38754)
28145 Greenfield Rd Ste 100
Southfield, MI 48076-7102
(248) 423-7234

CASE FILING FEE		JURY FEE
Paid		Paid
ISSUED	THIS SUMMONS EXPIRES	DEPUTY COUNTY CLERK
04/21/2009	07/21/2009	Pamela Oliver

*This summons is invalid unless served on or before its expiration date.

Cathy M. Garrett - Wayne County Clerk

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
 2. YOU HAVE 21 DAYS after receiving this summons to file an answer with the court and serve a copy on the other party or to take other lawful action (28 days if you were served by mail or you were served outside this state).
 3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has been previously filed in _____ Court.
- ☐ There is no other pending or resolved action within the jurisdiction of the family division of circuit court involving the family or family members of the parties.
- ☐ An action within the jurisdiction of the family division of the circuit court involving the family or family members of the parties has been previously filed in _____ Court.

The docket number and assigned judge of the civil/domestic relations action are:

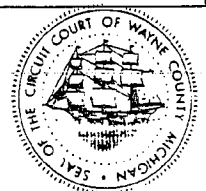
Docket no.	Judge	Bar no.

The action ☐ remains ☐ is no longer pending.

I declare that the complaint information above and attached is true to the best of my information, knowledge, and belief.

Date

Signature of attorney/plaintiff

**COMPLAINT IS STATED ON ATTACHED PAGES. EXHIBITS ARE ATTACHED IF REQUIRED BY COURT RULE.**

If you require special accommodations to use the court because of disabilities, please contact the court immediately to make arrangements.

JURY FEE PAID
APR 21 2009

STATE OF MICHIGAN
IN THE CIRCUIT COURT FOR THE COUNTY OF WAYNE

DAMON NATHANIEL,

Plaintiff,

Case No: 09 NZ

v.

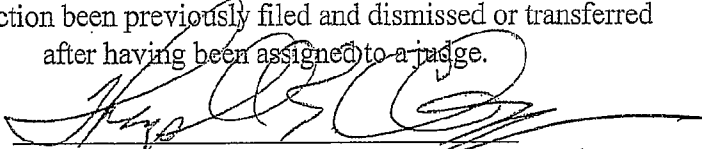
CITY OF DETROIT, A MUNICIPAL CORPORATION,
DETROIT POLICE OFFICER BARBARA SIMON,
Officially and Individually,
DETROIT POLICE DETECTIVE IRA TODD
Officially and Individually,
DETROIT POLICE LIEUTENANT HAROLD ROCHON
Officially and Individually,

Defendants.

ROBINSON & ASSOCIATES, P.C.
DAVID A. ROBINSON (P 38754)
THEOPHILUS E. CLEMONS (P 47991)
Attorneys for the Plaintiff
28145 Greenfield Road, Ste. 100
Southfield, Michigan 48076
(248) 423-7234

COMPLAINT AND DEMAND FOR JURY

There is no other civil action between these parties arising out of the same transaction or occurrence as alleged in this Complaint, nor has any such action been previously filed and dismissed or transferred after having been assigned to a judge.


THEOPHILUS E. CLEMONS (P47991)

NOW COMES the Plaintiff, **DAMON NATHANIEL** by and through his attorneys

ROBINSON AND ASSOCIATES, P.C., and for his Complaint against the Defendants state

unto this Honorable Court as follows:

INTRODUCTORY AND JURISDICTIONAL STATEMENTS

1. This is an action for money damages brought pursuant to 42 U.S.C. §§ 1983, and 1988, and the Fourth and Fourteenth Amendments to the United States Constitution, and under the statutes and common law of the State of Michigan against these named defendants in their individual capacities and/or official capacities and against the City of Detroit, Michigan.

2. It is alleged that Defendants Barbara Simon, Ira Todd, and Harold Rochon knowingly made false statements and swore to false facts without which there was no probable cause to arrest and prosecute Plaintiff, falsely imprisoned him, intentionally inflicted emotional distress upon him, abused legal process with respect to him, maliciously prosecuted him and acted with grossly negligent conduct toward him, and/or violated his rights under federal law, Michigan statutory law and common law. It is further alleged that these Defendants, while acting under color of law and in the scope and course of their employment as police officers, caused the assault and battery of Plaintiff, and caused his unlawful search, seizure and prosecution thereby violating his Constitutional rights.

3. It is further alleged that Defendants conspired to deny Plaintiff his Constitutional right to an attorney, to deny Plaintiff his Constitutional right to be brought before a magistrate for a probable cause determination, to deny Plaintiff his Constitutional right to liberty, and to coerce Plaintiff into giving an untrue confession to murder.

4. Plaintiff Damon Nathaniel was at all times pertinent hereto a resident of the City of Detroit, County of Wayne.

5. Defendant Detroit Police Officer Barbara Simon was at all times relevant to this Complaint a police supervisor employed by Defendant City of Detroit was at all times relevant